

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

EARL WRIGHT, RAMONA HOLDEN,  
ETTA WILLIAMS, MICHAEL HAMILTON,  
JOSEPH EKO, LINDA PHILLIPS, ELAINE  
WILHELM, ANTHONY GILLESPIE, MARK  
CARLISLE, VERNITA JESSIE, CHERYL  
RIFE, SANDY SAMENS, RUTH ORTIZ  
SOUDJIAN,

Plaintiffs,

v.

PUBLISHERS CLEARING HOUSE,  
INCORPORATED and PUBLISHERS  
CLEARING HOUSE, LLC,

Defendants.

Case No. 2:18-cv-02373 (ADS)(AYS)

**DEFENDANTS' NOTICE OF  
MOTION TO DISMISS AMENDED  
COMPLAINT, STRIKE CLASS  
ALLEGATIONS AND, IN THE  
ALTERNATIVE, COMPEL  
ARBITRATION**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum Of Law, dated April 25, 2019, in Support Of Motion to Dismiss Amended Complaint, Strike Class Allegations and, in the Alternative, Compel Arbitration, the Declaration Of John Siegal, dated April 25, 2019, and upon all other papers and proceedings had herein, Defendants Publishers Clearing House, Incorporated and Publishers Clearing House, LLC will move this Court at the United States Courthouse for the Eastern District of New York, 100 Federal Plaza, Central Islip, New York 11722, before the Honorable Arthur D. Spatt, United States District Court Judge, at a date and time to be set by the Court, for an order: (i) dismissing the Amended Complaint, with prejudice, under Fed. R. Civ. P. Rule 12(b)(1) and 12(b)(6), on the grounds that Plaintiffs lack standing and have failed to state a cause of action; (ii) striking the class allegations of the Complaint under Fed. R. Civ. P. 12(c)(1)(A), 23(d)(1)(D) and 12(e) on the ground that a class cannot be certified based on the face of the Complaint; and (iii) in the alternative, compelling arbitration and staying the

instant action for Plaintiffs Wright, Holden, Williams, Hamilton, Phillips, Gillespie, Carlisle, Rife, Samens and Jeffrey Singelton and any other Plaintiff who is subject to the arbitration and class action waiver provision of Defendants' Terms of Use.

Dated: April 25, 2019  
New York, New York

Respectfully Submitted,

**BAKER & HOSTETLER LLP**

Of Counsel:  
Linda A. Goldstein

By: /s/ John Siegal  
John Siegal  
[jsiegal@bakerlaw.com](mailto:jsiegal@bakerlaw.com)  
Paul G. Karlsgodt  
[pkarlgodt@bakerlaw.com](mailto:pkarlgodt@bakerlaw.com)  
Erica Barrow  
[ebarrow@bakerlaw.com](mailto:ebarrow@bakerlaw.com)  
45 Rockefeller Plaza  
New York, New York 10111  
Tel: (212) 589-4200  
Fax: (212) 589-4201

*Attorneys for Defendants Publishers  
Clearing House, Incorporated and  
Publishers Clearing House, LLC*